

## **EXHIBIT 64**

Aug. 25,  
2022 Email  
to F. Edelblut

(Depo. Ex.  
48)

EXHIBIT 48  
WIT: Edelblut  
DATE: 5-23-23  
Cynthia Foster, RPR, LCR #14

**From:** Ian Huyett <ihuyett@nhcornerstone.org>

**To:** "Edelblut, Louis (Frank)" <Louis.F.Edelblut@doe.nh.gov>, Shannon McGinley <smcginley@nhcornerstone.org>

**Subject:** Inquiry Regarding Educator Code

**Date:** Thu, 25 Aug 2022 16:24:21 -0400

**Importance:** Normal

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Frank,

I hope you are well. I'm following up on a conversation you recently had with Shannon.

I understand you and the Department have taken the position that the Department cannot investigate educators who may have broken their obligations under the Educator Code of Conduct by teaching discrimination in violation of RSA 193:40, IV.

I hope you can understand why it seems to us that a plain meaning of the relevant statutes and the Code itself require exactly that the Department of Education investigate suspected violations of the Educator Code. Could you or someone else in the Department please explain the legal basis for your interpretation so that Cornerstone and others do not need to continue pushing on this issue?

For context, as you know, RSA 21-N:9 mandates that the board of education "shall adopt" rules encompassing "*the establishment and enforcement of... a code of conduct for licensed or certified educational personnel.*"

The Educator Code, in turn, explicitly says numerous times that the Department of Education itself shall investigate suspected violations of the Educator Code of Conduct.

For example, Ed 511.01(f)-(i) explains that "*Investigations shall be handled by the department,*" that "*[t]he department shall make every attempt to interview all people,*" and that "*[t]he department shall make every attempt to obtain any and all documentation.*"

Ed. 511.01 in the Code goes on to say that "*[t]he department shall create a report*" and "*the department shall determine the sanctions to be imposed.*" 510.05(f) in the Code says that "*the department shall undertake an investigation, as enumerated in Ed. 511.01*" if "*the department has reason to suspect*" a violation was not reported by an educator.

While this provision cites Ed. 510.01 and the following sections, all of these sections state that unprofessional conduct "shall... not be limited to" the offenses which those sections list explicitly.

Since RSA 193:40, IV says that teaching discrimination "shall be considered a violation of the educator code of conduct," we do not understand the idea that the Commission for Human Rights or another entity has exclusive power, or even sole responsibility, to investigate the teaching of discrimination.

Assuming I've understood your view correctly, why has the Department concluded that it does not have the power to investigate the suspected teaching of discrimination?

Moreover, is it your or the Department's understanding that the Department is not bound by RSA 21-N:9 or the terms of the Educator Code when it comes to RSA 193:40, IV? If so, could you or someone else in the Department please explain the legal basis for this position?

Best,

Ian



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